

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Edward Franzese,

Plaintiff,

-against-

17 **CIVIL** 3020 (AJN)

JUDGMENT

City of New York, et al.,

Defendants.

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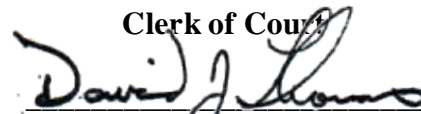
It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated November 13, 2018, Defendants' motion to dismiss is GRANTED. As Plaintiff was on notice that declining to amend his pleadings to timely respond to Defendants' first motion to dismiss may constitute a waiver of his right to use the amendment process to cure any defects that had been made apparent by Defendants' briefing, Dkt. No. 27, Plaintiffs claim is dismissed with prejudice; accordingly, this case is closed. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

Dated: New York, New York
November 30, 2020

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk